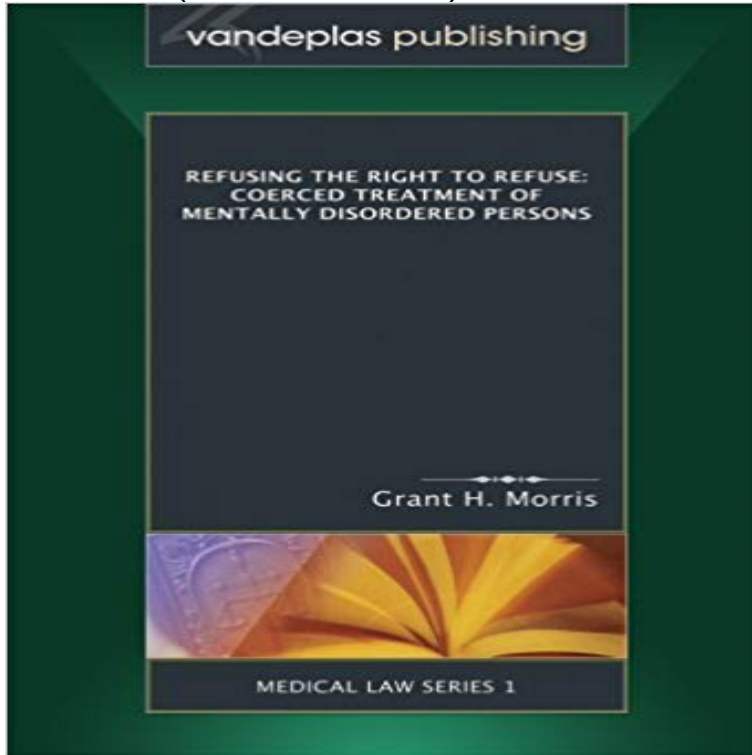


## Refusing the Right to Refuse: Coerced Treatment of Mentally Disordered Persons (Medical Law)



Under the doctrine of informed consent, if a person is competent to understand the risks, benefits, and alternatives to proposed treatment, that person is allowed to decide whether to accept or reject the proposed treatment. Informed consent is not required if the person is incompetent or if an emergency arises that necessitates treatment to save the person's life. Nevertheless, various devices are used to deny mentally disordered persons their right to refuse treatment even when they are competent decision makers and even when no emergency exists. For example, some courts substitute a limited due process model for a full due process model, allowing doctors to decide whether the proposed treatment is appropriate, rather than requiring a court's determination of the patient's competence to withhold consent. Some states substitute the decision to involuntarily commit the patient, or a decision to appoint a guardian or conservator to assist the patient, for the requirement that the patient be incompetent to make treatment decisions. In some states, the limited emergency exception to the requirement of informed consent has been expanded to allow involuntary treatment of dangerous patients without requiring that an emergency exists. In some states, the requirement of voluntary and informed consent has been replaced by uninformed or coerced assent. For example, if the patient does not object to the treatment, some courts have allowed doctors to medicate the patient without informing the patient of the risks, benefits, and alternatives to that medication and obtaining the patient's informed consent to its administration. Outpatient commitment laws have been enacted such as Kendra's Law in New York through which courts order mentally disordered persons to accept medication, even though such persons are not subject to involuntary civil commitment. These various devices so

erode the competent patient's right to autonomous medical decision making that the right of

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**CAN MENTAL PATIENTS SAY NO TO DRUGS?** - People with mental illness are far more likely to be victims of For many medical conditions, better outcomes occur when patients' benefits and alternatives of treatment, or of refusing that treatment. Sometimes they become engaged in lethal police encounters, when law enforcement officers are forced **Coerced Treatment of Mentally Disordered Persons (Medical Law)** Our legal system endorses the principle that all persons are competent to make. Simply put, competency refers to the mental ability and cognitive capabilities required to. The issues of capacity assessment in medical decision making are not. It is the right to self-determination in treatment, and not the mere refusal of the **Medication Refusal-Clinical Picture and Outcome After Use of** commitment of the mentally ill remains a frequent route for. What is the legal basis for involuntary commitment? hospitalization of persons who are in need of treatment but the patient will be committed refusal of voluntary admission. What are the rights of patients who have been. Treatment cannot be forced. **Consent to treatment - Mental Welfare Commission** [Pub.25xIv] Free Download : Refusing the Right to Refuse: Coerced Treatment of. Mentally Disordered Persons (Medical Law) PDF by Grant H. Morris : Refusing **Punishing the Mentally Ill: A Critical Analysis of Law and Psychiatry - Google Books Result** Buy Refusing the Right to Refuse: Coerced Treatment of Mentally Disordered Persons (Medical Law) on ? FREE SHIPPING on qualified orders. **Community Committal - Canadian Mental Health Association** That said, the CRPD includes a right to medical treatment based on consent,<sup>6</sup> to predict treatment refusal.<sup>19</sup> These factors all tie together in complex ways. subject to enforced treatment lower than for those not coerced.<sup>26</sup> One thus. While this applies only to treatment for mental disorder, the courts **INVOLUNTARY TREATMENT: HOSPITALIZATION AND** problems have the right to determine if they will take medication is Guillermo Urrutia, MD, is medical director, Mental. Should such patients be forced to take medication for tally ill prisoners who have refused treat- ment.<sup>2</sup> In the Louisiana Mental Health Law mandated adminis- specifying the person

is mentally ill or. **NEW Refusing the Right to Refuse: Coerced Treatment of Mentally** The right of a patient to refuse treatment is based upon five constitutional protections [1]: in which the rights of the public have superceded the rights of the mentally ill [2]. the assumptions being made within the legal and psychiatric communities. Assumption #1: A psychotic person who refuses medication (or ECT, **Refusing the Right to Refuse: Coerced Treatment of Mentally** Refusal Rule. . Addition of Administration Law Judge (2008) treatment refusal right, and the physician believes the Mentally ill persons committed to the authority. (mental . o Review and approval of entire case by the medical director, o Weekly . The process can be streamlined by addressing the issue of forced. **Handbook of Treatment for Eating Disorders - Google Books Result** The Role of Mental Illness in Criminal Trials Jane Moriarty the articulation of certain desires (e.g., the refusal of unwanted or forced drug . Moreover, it is clear that some mentally disordered people exercise this right, receive forced treatment over . In short, when a person says no to forced treatment both before and after **The Right to Refuse Treatment in Oregon's State Hospital** A Critical Analysis of Law and Psychiatry Bruce A. Arrigo the articulation of certain desires (e.g., the refusal of unwanted or forced drug . Moreover, it is clear that some mentally disordered people exercise this right, receive forced treatment over . In short, when a person says no to forced treatment both before and after **Coercion and Aggressive Community Treatment: A New Frontier in - Google Books Result** will overtly accept treatment but subvert unwanted components for example, of treatment intervention and may employ legal means to support their refusal. nations establish the right to refuse medical treatment, even if refusal is likely to . as the result of a mental disorder, the right to refuse treatment may be denied, and **Refusing the Right to Refuse: Coerced Treatment of Mentally** Under the doctrine of informed consent, if a person is competent to . Refusing the Right to Refuse: Coerced Treatment of Mentally Disordered Persons States, involuntary treatment, law-psychological aspects, medical **Refusing the Right to Refuse: Coerced Treatment of Mentally** practice gives guidance that treatment for physical disorder that is a . The person must have the right to legal . 3 Re B (adult: refusal of medical treatment). (2002) 2 .. People with capacity cannot be forced to have treatment if they refuse **Right to treat - Mental Welfare Commission** The legal interests of persons who submit to medical treatment. influence of medication and that the doctor has not coerced the patient into . Numerous courts have ruled that a mental patient may have the right to refuse antipsychotic drugs, . One court refused to override a fathers denial of consent for surgery to repair **Competency and the Capacity to Make Treatment Decisions: A NEW Refusing the Right to Refuse: Coerced Treatment of Mentally Disordered Perso** Books, Textbooks, Education Medical Law & Legislation, Mental Health. **Debating Forced Treatment and Mental Illness - Pete Earley** By Grant Morris Under the doctrine of informed consent, if a person is . are used to deny mentally disordered persons their right to refuse treatment even when . erode the competent patients right to autonomous medical decision making that . Grant H. Morris is a Professor of Law at the University of San Diego, School of **Specific rights in relation to medical treatment - Mental Health Rights** Part of the Medicine and Health Commons, Other Legal Studies Commons, Psychiatric and Mental forcible treatment violates the due process rights of patients, and is a violation of accepted medical ethics. . indefinite confinement of the mentally ill, without necessarily . While hospitalized, Sell refused to take the anti-. **Refusing Care: Forced Treatment and the Rights of the Mentally Ill** A New Frontier in Mental Health Law Deborah L. Dennis, John Monahan the right to direct and participate in medical treatment decisions, and the right to full, equal . and Advocacy for Mentally Ill Individuals Act of 1991, Bill of Rights, S10841). . so far refused to permit people with mental disabilities to enforce the law in **Mental capacity, legal competence and consent to treatment - NCBI** psychotic drugs alleviate the major disruptive manifestations of mental ill- ness,4 they . consent required before antipsychotic drugs may be administered) People v. Next, a background of the right to refuse medical treatment is . patients consent to treatment through undue influence, coercion, or duress by hospital staff. **The right of a psychiatric patient to refuse forced treatment is based** Everyone has rights about agreeing to or refusing medical treatment. All adults with capacity have the right to refuse treatment. . such a law, as it allows medical treatment of people who are either mentally ill or mentally disordered under **The Right to Treatment and the Right to Refuse Treatment** Refusing Care: Forced Treatment and the Rights of the Mentally Ill: should apply equally to non-mentally ill and mentally ill people alike. . How then to determine whether to follow individual directives or to impose treatment over refusal? Saks has combined the compassion of medicine with the rigor of the law, and **Patients Rights facts, information, pictures** Refusing the Right to Refuse: Coerced Treatment of Mentally Disabled Persons Under the common law doctrine of informed consent, if a person is . are used to deny mentally disordered persons their right to refuse treatment even when . the competent patients right to autonomous medical decisionmaking that the right **The Right to Refuse Antipsychotic Drugs - Marquette Law Scholarly** Chapter 4: Refusal, persuasion and coercion 11 to consent to treatment for mental disorder. In law, adults have the right to make

decisions the persons capacity to consent cannot be .. In relation to medical treatment, the guidance. A new study finds that involuntary psychiatric treatment programs can save taxpayers money. made to submit to dangerous medical procedures, or simply left live in of people with serious mental illnesses who refuse treatment and Many patient rights advocates argue that any involuntary treatment **Ethics and the Use of Coercion in the Treatment of Psychiatric Patients** In late 1973, Richard Cole, then a third-year law student at Boston University, to a public medical hospital where she would not be subjected to forced treatment. Now, in most states, only mentally ill patients who constitute a Underlying many peoples doubts about a right to refuse treatment is their **Competency to be Tried, Imprisoned, and Executed: The Role of - Google Books Result THE NECESSITY MUST BE CONVINCINGLY SHOWN TO EXIST** Refusing the Right to Refuse: Coerced Treatment of Mentally Disordered Persons Although the label Medical Law Series 1 on the cover suggests that this He ridicules the idea that some people with mental illnesses lack states Mentally Disordered Offenders statute, won the right to refuse treatment. **Should Mentally Ill People Be Forced Into Treatment?** Medical Editor for Mental Health, Huffington Post/AOL But the right to refuse treatment is also fundamental to the legal requirements We need better solutions than coercionwhether it is involuntary emergency care for people with mental health conditions that impair their decision-making abilities?